

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, FEBRUARY 6, 2006  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Council President Peters at 2:02 p.m. Council President Peters recessed the meeting at 2:53 p.m. for the purpose of a break. Council President Pro Tem Young reconvened the meeting at 3:02 p.m. with Council President Peters not present. The meeting was adjourned by Council President Pro Tem Young at 5:18 p.m.

**ATTENDANCE DURING THE MEETING:**

- (1) Council Member Peters-present
  - (2) Council Member Faulconer-present
  - (3) Council Member Atkins-present
  - (4) Council Member Young-present
  - (5) Council Member Maienschein-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Hueso-present
- Clerk-Maland (gs)

FILE LOCATION:                      MINUTES

ITEM-1: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Wayne Riggs of Plymouth Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

FILE LOCATION: MINUTES



[ITEM-30:](#) William Deloatch Day.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-634 Cor. Copy) ADOPTED AS RESOLUTION R-301216

Recognizing William Deloatch's effort to serve the people of San Diego;

Proclaiming February 6, 2006, to be "William Deloatch Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:08 p.m. – 2:13 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Hueso-yea.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1** *City of San Diego v. Callan Associates, Inc., et al.*  
San Diego Superior Court Case No. GIC 852419

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

DCA assigned: A. Donovan

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:36 p.m.)

**Council President Peters closed the hearing.**

**CS-2** *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*  
San Diego Superior Court Case No. GIC 841845

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

DCA assigned: A. Donovan

CLOSED SESSION COMMENT 1:

Hud Collins commented on the problems and conflicts caused by City Attorney Michael Aguirre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:38 p.m.)

**Council President Peters closed the hearing.**

**CS-3** *SDCERS v. City of San Diego*  
San Diego Superior Court Case No. GIC 851286

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

DCA assigned: A. Donovan

CLOSED SESSION COMMENT 1:

Hud Collins commented on the closed session procedures and stated that the pension benefits will never be declared illegal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:39 p.m. – 2:41 p.m.)

**Council President Peters closed the hearing.**

**CS-4 *Building Industry Association, Inc. v. City of San Diego***  
San Diego Superior Court Case No. GIC 817064

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

DCA assigned: R. Martinez

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:42 p.m.)

**Council President Peters closed the hearing.**

**CS-5 *Valerie O’Sullivan v. City of San Diego, et al.***  
San Diego Superior Court Case No. GIC 826918

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

DCA assigned: R. Martinez

**CLOSED SESSION COMMENT 1:**

John Hartley commented on the O’Sullivan decision and stated the seals are a treasure for the whole city.

**CLOSED SESSION COMMENT 2:**

Linda Kelson commented on the revenue generated from tourists coming to see the seals in La Jolla.

**CLOSED SESSION COMMENT 3:**

Mark Labianca commented on the benefits of the seals at the La Jolla Children’s Pool.

**CLOSED SESSION COMMENT 4:**

Bryan Pease urged Council to continue to appeal the O’Sullivan decision.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:42 p.m. – 2:51 p.m.)

**Council President Peters closed the hearing.**

**CS-6 *Border Business Park v. City of San Diego***

Appellate Case No. D039225; San Diego Superior Court Case No. GIC 692794

***Otay Acquisitions v. City of San Diego***

San Diego Superior Court Case No. GIC 753247

***National Enterprises, Inc. v. City of San Diego***

San Diego Superior Court Case Nos. GIC 791407; GIC 805465

**REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 7, 2006**

EACA assigned: D. McGrath

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:52 p.m. – 2:52 p.m.)

**Council President Peters closed the hearing.**

\* ITEM-50: Amending the San Diego Municipal Code Relating to Vacant Properties.

(See memorandum from the City Attorney dated 10/11/2005.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 1/23/2006, Item 50. (Council voted 8-0):

(O-2006-61 Cor. Copy)

ADOPTED AS ORDINANCE O-19460  
(New Series)



Amending Chapter 5, Article 4, Division 3, of the San Diego Municipal Code by amending Sections 54.0302, 54.0306, 54.0307, 54.0313, 54.0315, retitling Section 54.0320 and adding Section 54.0321, all relating to the abatement of vacant structures.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-51: Condominium Conversion Regulations of the Land Development Code.

(See City Manager Report CMR-05-163. Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 1/24/2006, Item 340. (Council voted 8-0):

Subitem-A: (O-2006-82) ADOPTED AS ORDINANCE O-19461 (New Series)

Amending Chapter 12, Article 5, Division 4, of the San Diego Municipal Code, by amending Section 125.0431; amending Chapter 12, Article 6, Division 5, by amending Section 126.0502 and Section 126.0504; by amending Chapter 14, Article 3, Division 3, Section 143.0302; amending Chapter 14, Article 4, Division 5, by amending Section 144.0501; by renumbering Sections 144.0502 to 144.0503, 144.0503 to 144.0505, 144.0504 to 144.0506; by adding Sections 144.0502, 144.0504, 144.0507, and 144.0508; all relating to Condominium Conversion Regulations.

Subitem-B: (O-2006-83) ADOPTED AS ORDINANCE O-19462 (New Series)

Amending the Land Development Manual Volume 1, Chapter 1 – Project  
Submittal Requirements, Section 4 – Development Permits/Approvals.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:19 p.m.)

MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- \* ITEM-60: Two actions related to Municipal Primary Election to be held on June 6, 2006, for the Purpose of Nominating Candidates for Council Districts 2, 4, 6, and 8.

(Districts 2, 4, 6, and 8.)

**CITY CLERK'S RECOMMENDATION:**

Introduce and adopt the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2006-91) INTRODUCED AND ADOPTED AS ORDINANCE  
O-19463 (New Series)

Introduction and adoption of an Ordinance calling a Municipal Primary Election in the City of San Diego, on Tuesday, June 6, 2006, for the purpose of nominating candidates for Council Districts 2, 4, 6, and 8, or electing Councilmembers for Districts 2, 4, 6, and 8 if a candidate receives a majority of the votes cast for the office.

**NOTE:** This item is not subject to Mayor's veto.

Subitem-B: (R-2006-664 Cor. Copy) ADOPTED AS RESOLUTION R-301232

Requesting the Board of Supervisors to consolidate the Municipal Primary Election with the Statewide Primary Election to be held on June 6, 2006;

Authorizing and directing the City Auditor and Comptroller to make payment to the Registrar of Voters.

**SUPPORTING INFORMATION:**

This is to request that the City Council adopt an ordinance calling a Municipal Primary Election and a resolution requesting the consolidation of this election with the Statewide Primary Election to be held on June 6, 2006. The resolution includes a request for the services of the Registrar of Voters.

The Municipal Primary Election will be held for the purpose of conducting elections for Councilmembers for Districts 2, 4, 6, and 8.

Maland

Aud. Cert. 2600571.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-100: Inviting Bids for the Construction of Grit Aeration Systems (GAS) Project at Point Loma Wastewater Treatment Plant.

(Point Loma Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-602 Cor. Copy) ADOPTED AS RESOLUTION R-301217

Approving the revised plans and specifications for the construction of the Grit Aeration Systems Project at the Point Loma Wastewater Treatment Plant, on Job Order No. 179844;

Authorizing the Mayor, or his designee, after advertising for bids in accordance with law, to establish contract funding phases and to award the above contract to the lowest responsible and reliable bidder in an amount not to exceed \$2,163,160, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer the amount of \$153,929 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, and the amount of \$336,071 from Fund No. 41509, CIP-46-218.0, Point Loma – S1 and S2 Digester Upgrades, to Fund No. 41508, CIP-45-943.0, Point Loma - Grit Processing Improvements Project;

Authorizing the expenditure of an amount not to exceed \$2,163,160 to provide funds for the above project and related costs, to be expended as follows: \$2,100,660 from Fund No. 41508, CIP-45-943.0, Point Loma Grit - Processing Improvements Project, for construction, construction management, and project related costs; and \$62,500 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, for project contingency; provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice from the administering department;

Declaring this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(c) because this activity is a subsequent discretionary approval of a project which was adequately addressed in the Addendum to EIR File No. 94-0514, Project No. 92-0358, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review pursuant to CEQA Guidelines Section 15162. (BID-K06108)

**STAFF SUPPORTING INFORMATION:**

Authorization is requested to fund, advertise and award a construction contract for the Grit Aeration Systems project located at the Point Loma Wastewater Treatment Plant (PLWTP). In December 2000, the Council authorized an agreement with Lee & Ro, Inc. to provide design services for the Grit Processing Improvement Project (GIP) (CIP-45-943.0) at the PLWTP (Resolution No. R-294342). The GIP project design was completed in June 2003 and authorization was given to advertise and award a construction contract (Resolution No. R-298298). Prior to awarding the contract, a one-year pilot test of a secondary treatment technology at the PLWTP was approved. One of the conceptual layouts for the secondary treatment facility could affect the GIP project area. To ensure prudent use of funds it was decided to complete the pilot testing of the selected secondary treatment technology before proceeding with the GIP. The pilot testing has been completed, however the final schedule for the GIP has not been established.

The proposed GIP project included improvements, which were to address some near-term maintenance needs at the PLWTP, including the upgrade of the grit aeration system. With the delay of the overall GIP project, there is a need to move forward with the grit system upgrade at this time. The designer, Lee & Ro, was directed to prepare a design and construction package for that work. The proposed Grit Aeration Systems (GAS) project will include new grit agitation air blowers enclosed in a sound dampening facility and associated air piping. The funding requested for the GAS project includes \$1.25 million for construction, \$62,500 for construction contingency, and \$850,660 for related costs. The related costs include funding for future inspection, permitting and construction management, and a reauthorization of \$500,660 to fund administrative activities performed to date for the GIP and GAS projects. The activities being funded include in-house consultant reviews during design, value engineering and in-house project management. This item was reviewed and approved by the Metro Commission on December 1, 2005.

**FISCAL IMPACT:**

The total estimated cost of this action is \$2,163,160 of which \$2,100,660 is from Fund 41508, CIP-45-943.0, Pt. Loma – Grit Processing Improvements Project for construction, construction management and project related costs; and \$62,500 is from Fund 41508, CIP-46-501.0, Annual Allocation – Metro Pooled Contingency for project contingency. Funds are budgeted for Phase 1 in FY2006 and will be available for Phase 2 in FY2007 contingent upon the passage of the FY2007 Capital Improvement Program and Appropriation Ordinance budget.

Haas/Tulloch/JAW

Aud. Cert. 2600490.

Staff: Jim Wageman - (858) 292-6274  
Thomas C. Zeleny - Deputy City Attorney

FILE LOCATION: W.O. 179844

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-101: Grant Application for Highway Bridge Rehabilitation and Replacement (HBRR) Grant Funding for Voltaire Street Bridge Rehabilitation over Nimitz Boulevard Project.

(Peninsula Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-620) ADOPTED AS RESOLUTION R-301218

Authorizing the Mayor to apply for Highway Bridge Rehabilitation and Replacement (HBRR) grant funding for the purpose of designing and preparing an environmental document for the Voltaire Street Bridge Rehabilitation over Nimitz Boulevard project and to accept the Program Supplement to Local Agency-State Agreement for Federal Aid Project No. 5004 (150) in the amount of \$135,864;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing fund for the grant;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$135,864 from CIP-52-519.0, Bridge Rails, HBRR, for the purpose of designing Voltaire Street Bridge over Nimitz Boulevard (Job Order 525233), contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization and the City Auditor and Comptroller first certifying that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and that any construction activities related to this approval will be subject to environmental review.

**STAFF SUPPORTING INFORMATION:**

The Voltaire Street Bridge was constructed in 1959 with two through lanes in each direction, sidewalk on both sides and a 4 foot raised center median. In a bridge inspection report, Caltrans deemed the bridge structurally deficient due to spalling of the bridge deck and because Voltaire Street narrows to one lane in each direction past the bridge causing merging problems. In addition, the existing barrier rail is a tubular steel picket type that is insufficient for current traffic loading.

A feasibility study has been prepared by Simon Wong Engineering to evaluate potential design alternatives to obtain community acceptance for a proposed rehabilitation. Simon Wong Engineering studied six Alternatives (A-F) and the Peninsula Community Planning Group selected Alternative F. This project will address lane width and barrier rail deficiencies, as well as repair spalls and seal the concrete deck. Sufficient width will be obtained by removing the existing median to include a left turn lane for both directions, which will aid motorists making a left turn onto Wabaska Drive and Seal Colony Court.



The proposed project will rehabilitate Voltaire Street Bridge over Nimitz Boulevard in the Peninsula Community Plan area. The scope of work includes the replacement of existing steel barrier rails as well as the removal of the existing center median. Through lanes will be reduced to two, one in each direction, and a left turn lane for both directions will be created. New streetlights will be installed and modifications will be made to the existing storm drain inlet and traffic signal. Repairs of sidewalk, bridge spalls, and resealing of the concrete bridge deck will also be performed.

**FISCAL IMPACT:**

A total of \$170,000 in North Bay Redevelopment Agency funds has been previously budgeted as matching funds (R-298636); of this amount, \$33,967 will be for design and the remaining \$136,033 will be for construction. The estimated cost to design the project is \$169,831; \$135,864 which will be available in Federal grant funds and \$33,967 in City matching funds.

Haas/Boekamp/DZ

Staff: Dave Zoumaras - (619) 533-3138  
Jeremy A. Jung - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:19 p.m.)

MOTION BY FAULCONER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-102: Vietnamese Lunar New Year Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-635) ADOPTED AS RESOLUTION R-301219

Commending the Vietnamese American Youth Alliance for its efforts to increase leadership among Vietnamese American youth and to enrich the community in San Diego;

Proclaiming January 29, 2006, to be “Vietnamese Lunar New Year Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-103: Augie Ghio Day.

**COUNCILMEMBER MADAFFER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-646) ADOPTED AS RESOLUTION R-301220

Recognizing Augie Ghio’s years of dedication to public safety and his long-lasting commitment to the City of San Diego;

Proclaiming January 27, 2006, to be “Augie Ghio Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-104: Judith Castiano Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-642)            ADOPTED AS RESOLUTION R-301221

Commending Judith Castiano for her 18 years of dedicated service to the San Diego Public Library;

Proclaiming January 30, 2006, to be "Judith Castiano Day" in the City of San Diego.

FILE LOCATION:            AGENDA

COUNCIL ACTION:            (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

\* ITEM-105: Excusing Councilmember Young from the Council Meeting of December 6, 2005.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-659)            ADOPTED AS RESOLUTION R-301222

Excusing Councilmember Anthony Young from attending the regularly scheduled City Council meeting of December 6, 2005, due to illness.

**NOTE:** This item is not subject to Mayor's veto.

FILE LOCATION:            MEET

COUNCIL ACTION:            (Time duration: 2:14 p.m. – 2:14 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



ITEM-200: Formation of an Elections Task Force.

(See City Clerk Report No. CC-06-01.)

**CITY CLERK'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-661 Cor. Copy 2)      ADOPTED AS AMENDED AS RESOLUTION  
R-301223

Establishing pursuant to City Charter Section 43(b) an Elections Task Force consisting of ten members including a chairperson, who shall all serve without compensation. The composition and appointment of the Elections Task Force shall be as follows:

- a. Eight individuals, one each nominated by each City Councilmember, whose names shall be submitted to the City Clerk no later than 30 days after the final passage of this resolution; and
- b. One individual nominated by the Mayor, whose name shall be submitted to the City Clerk no later than 30 days after the final passage of this resolution; and
- c. The City Clerk, who shall be the chairperson.

Establishing pursuant to City Charter Section 43(b) the Elections Task Force with the following defined objectives:

- a. Report back to the Committee on Rules, Open Government, and Intergovernmental Relations for feedback on and approval of recommendations, then present approved report with recommendations to City Council.

- b. For each recommendation or approach considered, examine the fiscal impacts of that recommendation or approach, identify and explore all feasible alternatives, and examine the fiscal impacts of each alternative.
- c. Hear presentations on the ideas, suggestions, and recommendations of a variety of experts in those areas under consideration by the Elections Task Force, as well as representatives from elections-focused community or outreach groups.
- d. Examine whether the City should move to a mail only ballot, including examination of possible impacts on voter participation and impacts to the election and canvass process.
- e. Examine whether or not the City should use instant run-off voting, including research into the type of instant run-off voting that would be best for the City, the potential impacts to consolidated elections, and the cost and funding issues that would be involved in implementing and certifying this voting system.
- f. Examine the City's relationship with the Registrar of Voters and the availability of private vendors offering similar services as alternatives, particularly in the context of if the City should decide to pursue mail-only ballots or instant run-off voting.
- g. Examine the issue of voter outreach to boost public participation in municipal elections.
- h. Examine any other elections-related issues and make any other recommendations as appropriate.

Declaring the Elections Task Force shall be staffed by the Mayor's Office and the City Attorney's Office.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:35 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE A STAFF MEMBER TO THE ELECTIONS TASK FORCE FROM THE INDEPENDENT BUDGET ANALYST'S OFFICE. Second by Young. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-201:](#) Pension Solutions – Tobacco Settlement Revenue Securitization.

(See Report to the City Council No. 06-012; and Independent Budget Analyst Report IBA Report No. 06-3.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-524 Cor. Copy)      ADOPTED AS RESOLUTION R-301224

Declaring the City Council finds that the foregoing recitals are true and correct;

Authorizing and directing the Mayor to leverage approximately \$10.3 million in annual employee pick up savings by securitizing in FY 2006 an equivalent amount of the City's tobacco settlement revenues to generate up to \$100 million in net proceeds for deposit to the City's retirement system; provided however, that the Mayor shall not leverage greater than \$10.3 million of the City's annual tobacco settlement revenues;

Approving the retention by the City Attorney of Hawkins Delafield & Wood LLP to serve as bond counsel and disclosure counsel for the proposed tobacco securitization transaction, provided that fees and expenses of bond counsel and disclosure counsel shall not exceed \$300,000, and be payable contingent upon the sale of the bonds;

Authorizing and directing the Mayor, in consultation with the City Attorney, to proceed with the proposed transaction and the preparation of financing and security documents necessary to execute a tobacco securitization transaction in FY 2006, including the formation of a special purpose entity in order to effectuate

a true sale of such revenues to investors; provided however that prior to any sale of the City's right to receive tobacco revenues the Mayor shall (i) present any disclosure document prepared in connection with the tobacco securitization transaction to the Disclosure Practices Working Group for its review; and (ii) thereafter return to this Council for final approval of the financing structure, including approval of the related financing and security documents and the formation of said special purpose entity.

Staff: Lakshmi Kommi - (619) 236-6928  
Mark D. Blake – Chief Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:03 p.m. – 5:13 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-ineligible, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the June 6, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	1/20/2006	137	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee

Wednesday	1/25/2006	132	Rules Committee review
Monday	1/30/2006	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	2/06/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	2/27/2006	99	Council adopts ordinances prepared by City Attorney
Friday	3/10/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/23/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

**ITEM-251: Notice of Pending Final Map Approval – Sunroad B - Promenade.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sunroad B - Promenade” (T.M. No. 421444/PTS No. 7081), located on the southwest corner of Paramount Drive and Lightwave Avenue in the Kearny Mesa Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.



Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-252: Notice of Pending Final Map Approval – 4666 Mission Boulevard.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4666 Mission Boulevard” (T.M. No. 42-0934/PTS No. 57724), located southwesterly of Diamond Street and Mission Boulevard in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-253: Notice of Pending Final Map Approval – Black Mountain Ranch North Village Unit No. 5.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch North Village Unit No. 5” (T.M. No. 40-0528/PTS No. 52485), located southeasterly of Monte Alto Terrace and Paseo Montenero in the Black Mountain Ranch Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-254: Notice of Pending Final Map Approval – 7003-7007 Saranac Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “7003-7007 Saranac Street” (T.M. No. 86487/PTS No. 74770), located on the southeast

corner of 70<sup>th</sup> Street and Saranac Street in the College Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-255: Notice of Pending Final Map Approval – Avalon Plaza.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Avalon Plaza” (T.M. No. 29944/PTS No. 49586), located northwesterly of Hornblend Street and Cass Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-256: Notice of Pending Final Map Approval – 211 47<sup>th</sup> Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “211 47<sup>th</sup> Street” (T.M. No. 139195/PTS No. 79135), located southeasterly of 47<sup>th</sup> Street and Imperial Avenue in the Encanto Neighborhoods, Southeastern Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-257: Notice of Pending Final Map Approval – 2728 “B” Street.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “2728 “B” Street” (T.M. No. 133378/PTS No. 81250), located northwesterly of 27<sup>th</sup> Street and “B” Street in the Greater Golden Hill Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-258: Notice of Pending Final Map Approval – Adelaide Gardens 16.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Adelaide Gardens 16” (T.M. No. 112128/PTS No. 67488), located at the westerly terminus of Adelaide Avenue, westerly of 56<sup>th</sup> Street in the College Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**ITEM-259: Notice of Pending Final Map Approval – 5685 La Jolla Boulevard.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “5685 La Jolla Boulevard” (T.M. No. 23375/PTS No. 50068), located on the southeasterly corner of La Jolla Boulevard and Bird Rock Avenue in the La Jolla Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**NON-DOCKET ITEMS:**

None.

The meeting was adjourned by Council President Pro Tem Young at 5:18 p.m. in honor of the memory of:

FILE LOCATION:

**COUNCIL ACTION:**

(Time duration: 5:14 p.m. – 5:18 p.m.)